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November 3, 2023

Via ECF:

Honorable Paul G. Gardephe
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

re: Solano v City of New York, et al., 23-CV-3285 (PGG)

Dear Judge Gardephe,

My office represents plaintiff Juan Solano in the above matter. In that capacity, I write along with Gregoey Accarino, Esq., Counsel for Defendants City of New York and Michael Corvi (“Defendants”) to respectfully request that this case be withdrawn from the § 1983 Plan pursuant to Local Rule 83.10 and that the Initial Conference be adjourned from November 16, 2023 to December 11, December 13, December 19, or December 20, or to a date convenient for the Court. This is the parties first such request.

By way of background, Plaintiff brought this action pursuant to 42 U.S.C. § 1983, alleging constitutional violations for malicious prosecution, and denial of the right to a fair trial after, *inter alia*, Plaintiff’s conviction was overturned following his incarceration for approximately 2.5 years. The reason for the Parties’ request is that Defendant Corvi asserts that he was deputized at the time of Plaintiff’s arrest as a Task Force Officer with the U.S. Department of Homeland Security. Counsel have been in contact with an Assistant United States Attorney in the Southern District of New York regarding the possible involvement of that Office in this matter. In light of the U.S. Attorney’s Office potential involvement in the case, the parties no longer believe that participation in the § 1983 Plan makes sense. Accordingly, the Parties respectfully request that the initial pretrial conference scheduled for November 16, 2023, be adjourned to December 11, December 13, December 19, or December 20, or to a date convenient to the Court and that this matter be withdrawn from the § 1983 Plan.

The Parties thank the Court for its consideration herein.

Respectfully submitted,

/s/ Evan Brustein

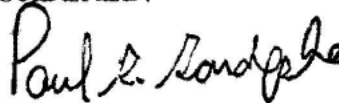
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cc: All counsel. (via ECF)

MEMO ENDORSED: This case will hereby be withdrawn from the § 1983 Plan. The conference currently scheduled for November 16, 2023, will be adjourned to **November 30, 2023, at 11 a.m.**

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style.

Paul G. Gardephe
United States District Judge
Dated: November 6, 2023